

Babergh District Council

Stutton

**Neighbourhood Plan
2022-2037**

Independent Examiner's Report

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20 December 2022

Contents

	Summary	3
1.0	Introduction	4
2.0	The role of the independent examiner	4
3.0	The examination process	6
4.0	Neighbourhood plan preparation	7
5.0	Compliance with matters other than the basic conditions	8
6.0	The basic conditions	9
	<i>National policy and advice</i>	9
	<i>Sustainable development</i>	10
	<i>The development plan</i>	11
	<i>Retained European Union (EU) obligations</i>	12
	<i>European Convention on Human Rights (ECHR)</i>	14
7.0	Detailed comments on the Plan and its policies	14
	1. Introduction	15
	2. Requirements of a Neighbourhood Plan and Existing Planning Context	15
	3. Vision and Responsibilities	15
	4. Our Village Past and Present	16
	5. Spatial Strategy (Policy SN1)	16
	6. Housing (Policies SN2 – SN8)	18
	7. Landscape and Natural Environment (Policies SN9 – SN13)	22
	8. Leisure and Tourism (Policy SN14)	28
	9. Heritage and Culture (Policies SN15 & SN16)	29
	10. Getting Around (Policies SN17 - SN19)	31
	11. Community Facilities (Policies SN20 – SN23)	32
	Policies Maps	34
	Appendices	34
8.0	Conclusions and recommendations	35
	Appendix 1 List of key documents	36

Summary

I have been appointed as the independent examiner of the Stutton Neighbourhood Development Plan.

The Parish of Stutton is located on the Shotley peninsula between the Orwell and Stour Estuaries, approximately 7 miles south of Ipswich. As well as part of the Plan area falling within a Special Protection Area and Ramsar site, the Parish also lies within the 13km zone of influence for the Stour and Orwell Special Protection Area and Ramsar site. The southern part of the Parish falls within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).

The Parish has a population of about 812 according to the Census 2011. It has a rich history with numerous listed buildings including a number of grand houses set in parkland such as the Grade II* listed Stutton Hall and Crowe Hall and has a number of facilities and services including a school, two public houses and a community shop.

There is a clarity to the Plan and its approach. In particular there are robust links between its vision, objectives, the planning policies and the various community actions that have also been captured as part of the innovative approach to engagement through the Big Conversation. I must also commend a comprehensive Basic Conditions Statement and a clear Consultation Statement.

The Plan itself is presented to a very high standard and has 23 policies covering a range of topics. There is an extensive evidence base accompanying the Plan including a Design Guidelines and Code document and a Landscape Study. The policies seek to add local detail or address matters of importance to the local community.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Babergh District Council that the Stutton Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
20 December 2022



1.0 Introduction

This is the report of the independent examiner into the Stutton Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Babergh District Council (BDC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case BDC. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸ Often representations suggest amendments to policies or additional and new policies or put forward other alternatives. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

In this case Anglian Water has also put forward some suggestions to amend supporting documents; it is not my role to do this, as they are not needed in respect of the basic conditions, but these amendments could be made should the qualifying body consider it helpful to do so.

PPG⁹ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.¹⁰

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments on the Regulation 16 stage representations and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Paul Bryant at BDC.

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 040 ref id 41-040-20160211

⁹ Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

I made an unaccompanied site visit to familiarise myself with the Plan area on 4 December 2022.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. It takes an exemplary approach and has good clarity in bringing the responses received at the pre-submission stage together.

The qualifying body employed an interesting way of engaging with the local community. Called 'The Big Conversation'; this was a series of ongoing events in the village designed to ensure everyone could become involved. Across 17 events, this process of open and ongoing consultation offered various opportunities from drop-ins to breakfast meetings, to engaging with local children to meeting residents of the extra care housing in the village. As well as one to ones and group conversations, there was a 'rant wall'.

Events were publicised through newsletters distributed to each household in the village. This fed back progress and invited responses. Regular updates were also provided in the village's bi-monthly newsletter as well as the village website, twitter, Facebook and Next Door.

Pre-submission (Regulation 14) consultation took place between 8 November – 20 December 2021. Details of the consultation were publicised in the newsletter, banners and posters. There was a drop-in event. Copies were available electronically and on paper at various locations. An audio summary of the Plan was available on the website.

I consider that the consultation and engagement has been innovative and has been satisfactorily carried out.

Submission (Regulation 16) consultation was carried out between 12 September – 28

October 2022.

A total of seven representations were received at Regulation 16 stage. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Stutton Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. BDC approved the designation of the area on 12 October 2018. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 4 of the Plan.

Plan period

The Plan period is 2022 – 2037. This is clearly shown on the Plan's front cover and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be

included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹¹

In this case, ‘community actions’ have been included in a separate appendix and are clearly distinguishable from the planning policies; this is an exemplary approach.

6.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government’s planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.¹²

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹³ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁴

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁵

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁶

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and

¹¹ PPG para 004 ref id 41-004-20190509

¹² NPPF para 13

¹³ Ibid para 28

¹⁴ Ibid

¹⁵ Ibid para 29

¹⁶ Ibid para 31

avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁷

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁸ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²⁰ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²¹

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan's objectives and policies have responded to national policy and guidance. Comprehensive tables²² set out how the Plan aligns with the NPPF's key topic principles and guidance.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²³ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁴ The three overarching objectives are:²⁵

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved

¹⁷ NPPF para 16

¹⁸ PPG para 041 ref id 41-041-20140306

¹⁹ Ibid

²⁰ Ibid para 040 ref id 41-040-20160211

²¹ Ibid

²² Basic Conditions Statement pages 11 and 14

²³ NPPF para 7

²⁴ Ibid para 8

²⁵ Ibid

productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁶

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how each Plan policy helps to achieve sustainable development as outlined in the NPPF.²⁷

General conformity with the strategic policies in the development plan

The development plan consists of the saved policies of the Babergh Local Plan Alteration No 2 (LP), adopted in June 2006, and the Babergh Core Strategy (CS) 2011 – 2031, adopted in February 2014. In addition the Minerals Core Strategy and the Waste Core Strategy produced by Suffolk County Council also form part of the development plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant LP and CS policies.²⁸ It also includes an assessment against the emerging policies of the emerging Joint Local Plan.²⁹ Where I have not specifically referred to a strategic policy, I have considered all strategic policies in my examination of the Plan.

Emerging Joint Local Plan

BDC and Mid Suffolk District Council are working together to deliver a new Joint Local Plan (JLP) which will cover the period up to 2037. Once adopted, it will replace all other policies across the two Districts. The JLP was formally submitted to the Secretary of State for Housing, Communities and Local Government on 31 March 2021. Following an exploratory meeting with the inspectors on 16 December 2021, the two Councils propose to progress the current emerging JLP as a 'Part 1' local plan. This will

²⁶ NPPF para 9

²⁷ Basic Conditions Statement pages 22 and 23

²⁸ Ibid page 26

²⁹ Ibid page 34

be followed by the preparation and adoption of a 'Part 2' local plan. The Councils have recently approved a revised timetable for the production of the JLP. It is expected that the 'Part 1' local plan will be adopted in Spring 2023 with the 'Part 2' local plan adopted in Winter 2025. A number of Supplementary Planning Documents will also be produced during this period.

There is no legal requirement to examine the Plan against emerging policy. However, PPG³⁰ advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.³¹

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³² confirms that it is the responsibility of the local planning authority, in this case BDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is BDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

³⁰ PPG para 009 ref id 41-009-20190509

³¹ Ibid

³² Ibid para 031 ref id 11-031-20150209

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination dated May 2022 has been prepared by BDC. This in turn refers to a SEA Screening Opinion Report prepared by Land Use Consultants which screened in the Plan. Despite consultation with the statutory bodies which indicated a SEA was not necessary, the Screening Determination takes a precautionary approach and concluded a SEA was required.

Accordingly, an Environmental Report (ER) has been prepared by AECOM and is dated July 2022. This is a proportionate and comprehensive document that meets the requirements of Regulation 12 of the Environmental Assessment of Plans and Programmes.

Taking account of the characteristics of the Plan, the baseline information and the characteristics of the topic areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

In reaching this conclusion, I am mindful that PPG is clear that the SEA should only focus on the environmental impacts likely to be significant; it does not need to be done in any more detail, or using more resources, than is appropriate for the content and level of detail in the neighbourhood plan.³³

Turning now to HRA, a HRA Screening Determination and Appropriate Assessment of May 2022 has been submitted. In turn this refers to a HRA Screening Report and Appropriate Assessment of January 2022 prepared by Place Services.

The Place Services Report found 16 European sites which lie within 20km of the Plan area. After consideration of the potential impact pathways, it was decided that four sites should be assessed; the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site and Deben Estuary SPA and Ramsar site as the Plan area falls within the 13km Zone of Influence (ZOI) for these sites. Three policies (SN11, SN14 and SN22) were scoped in.

An Appropriate Assessment (AA) was therefore carried out. It recommended some additions to policy and supporting text wording. These have been implemented.

³³ PPG para 030 ref id 11-030-20150209

The AA concluded that the Plan is not predicted, with the mitigation secured, to result in any adverse effects on the integrity of the European sites in question, either alone or in combination with other plans and projects.

NE was consulted and concluded there are unlikely to be significant environmental effects from the proposed Plan.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the HRA and AA and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³⁴ In undertaking work on SEA and HRA, BDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights and equalities.³⁵ Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a clear and very high standard and contains 23 policies. There

³⁴ PPG para 031 ref id 11-031-20150209

³⁵ Basic Conditions Statement page 40

is an unusual and eye catching front cover. The Plan begins with a helpful contents page, summary and a useful diagram showing the structure of the document.

The summary refers to a Design Guide, developed as an integral part of the Plan and produced by AECOM. The document produced by AECOM is titled “Design Guidelines and Codes”. I suggest it is referred to as this throughout the Plan document whether in policy or in the supporting text or appendices in the interests of consistency and to avoid any potential confusion. A modification is made accordingly. It is expected that such references will be changed throughout the Plan and this modification is not repeated elsewhere in this report.

In addition, the summary indicates that any new homes or additions to properties must conform to the Design Guidelines and Codes. This does not accurately reflect the modifications made later to policies in this report and should be changed in the interests of consistency.

- **Change references to the “Design Guide” to “Design Guidelines and Codes” throughout the Plan document**
- **Change the words “...must conform...” in the third paragraph of page 1 of the Plan to “...take account of...”**

1 Introduction

This is a helpful introduction to the Plan that sets out the background and signposts documents produced as part of the work on the Plan or as part of those submitted.

2 Requirements of a Neighbourhood Plan and Existing Planning Context

This is a helpful section that sets out the basic conditions against which a neighbourhood plan is examined and the planning policy context for the Parish.

3 Vision and Responsibilities

The well-articulated and clearly unique vision for the area is that:

- “Stutton should remain a vibrant, cohesive community supporting high levels of wellbeing for its residents.
- As the village grows and society changes, the character of the village should be maintained, whilst permitting small-scale sustainable growth in line with the needs and wishes of the community.

- The beautiful countryside and landscapes will be retained and enhanced and continue to be a source of great pleasure for the community.
- Together, we will ensure that the infrastructure of the village supports all residents at different stages of their lives.”

The vision is complemented by a statement of “responsibilities”. The Plan recognises that change will inevitably occur over the Plan period, but that there should be a balance between the existing and new.

Appendix 1 contains a detailed set of objectives which clearly link the vision, the policies and the community actions together. Appendix 2 sets out the community actions as a separate action list.

During the course of carrying out a number of examinations, I have not come across the “responsibilities” approach before and I commend it to others. In addition, the connections between the vision, objectives and policies are clear and again Appendix 1 is to be commended for its clarity of thought, detail and connecting the various aspects of the Plan together.

4 Our Village Past and Present

This section sets out the interesting history and context of the Parish and contains useful information to set the scene.

5. Spatial Strategy

Policy SN1 Spatial Strategy

The southern part of the Parish falls within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).

In the CS, Stutton is identified as a ‘Hinterland Village’. In Core and Hinterland Villages, the CS states that 1,050 dwellings should be planned for. CS Policy CS2, which defines 43 Hinterland Villages, explains that this means some development to meet the needs within the Hinterland Villages will be accommodated.

All proposals are assessed against CS Policy CS11 which indicates development in Hinterland Villages is acceptable where it can be demonstrated that proposals have a close functional relationship to the existing settlement as well as meeting a number of criteria set out in the policy. The cumulative impact of development should also be taken into account.

In the countryside outside Hinterland Villages, CS Policy CS2 states that development will only be permitted in exceptional circumstances subject to a proven justifiable need.

CS Policy CS3 promotes and supports proposals for employment use that contribute to the local economy and increase the sustainability of Hinterland Villages if appropriate in scale, character and nature to their locality.

CS Policy CS15 sets out what the implementation of sustainable development means in Babergh District. This includes proposals respecting and making a positive contribution to local context and character, strengthening and diversifying the local economy, ensuring an appropriate level of facilities and services, addressing climate change, flood risk and water issues, biodiversity and so on.

Policy SN1 recognises that development can take place in line with Stutton's position in the settlement hierarchy and as outlined in the strategic policies of the CS.

Reference is made in the Plan to the emerging JLP and draft Policy SP04 in particular. BDC has indicated that the Part 1 document will contain the strategic policies (but exclude Policy SP04 – Housing Spatial Distribution) and all development management policies (less Policy LP30 – Designated Open Spaces). Current settlement boundaries and open space designations would be saved from existing adopted policy and carried forward into the Part 1 document.

The Part 2 document would contain Policy SP04 – Housing Spatial Distribution and Policy LP30 – Designated Open Spaces and would include residential site allocations, updated settlement boundaries, updated Gypsy and Traveller, and Travelling Showpeople policy and any necessary allocations and open space designations.

A Briefing Note from BDC to neighbourhood planning groups dated 16 December 2021 explained that the move to a Part 2 JLP means that the minimum housing requirement figures set out in the emerging JLP are now indicative and are likely to be updated as the Part 2 document is progressed. This is recognised in the Plan. The figure for Stutton is 65 which has been achieved. The Plan does not have to, and has chosen not to, make any site allocations.

The settlement boundary, shown on Map 2 and cross referenced in the policy, takes its lead from that defined in the LP 2006 and the emerging JLP, but has been reviewed and updated to recognise an additional site where planning permission for new housing has been granted.

PPG is clear that where neighbourhood plans contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.³⁶ It continues that where there is provision for housing in the plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for housing policies and any allocations proposed.³⁷ There is encouragement

³⁶ PPG para 040 ref id 41-040-20160211

³⁷ Ibid para 103 ref id 41-103-20190509

to plan not only to meet the housing requirement, but also to exceed it.³⁸ The most recent published BDC position on housing land supply³⁹ suggests that to 2027, BDC considers it can demonstrate a 7.13 year supply.

I consider that Policy SN1 has regard to national policy, is in general conformity with strategic policies in the CS and will help to achieve sustainable development. It therefore meets the basic conditions and it is not necessary for me to recommend any modifications.

6 Housing

Policy SN2 Housing Mix

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government's objective of significantly boosting housing supply.⁴⁰

Policy SN2 supports the provision of two and three bedroomed units reflecting local needs, specifically referring to single people, couples, young families and those wishing to downsize. This is borne out by the evidence in the Housing Needs Survey (HNS) dated 2019. However, the policy is also and rightly flexible recognising that these needs may change over time or that site specific circumstances may indicate otherwise. Homes capable of adaption are also encouraged.

CS Policy CS18 indicates that the mix, type and size of housing developments will be expected to reflect the needs of the District.

The policy has regard to national policy, contributes to the achievement of sustainable development and is in general conformity with strategic policy, and a local expression of, CS Policy CS18. It therefore meets the basic conditions and no modifications are put forward.

Policy SN3 Affordable Housing

This policy requires a minimum of 35% affordable housing on sites of ten or more units or sites of 0.5 hectare or more and on sites of five houses or more in the AONB. It also requires affordable housing to be indistinguishable from market homes.

³⁸ PPG para 103 ref id 41-103-20190509

³⁹ Draft Five-Year Housing Land Supply Position Statement 2022

⁴⁰ NPPF para 60

This mirrors the percentage requirement in CS Policy CS19 and in draft JLP Policy SP02. However, I consider the policy should be written flexibly taking viability into account.

With this modification, the policy will have regard to the NPPF and its stance on boosting housing supply⁴¹ and affordable housing⁴² as it is based on the latest available evidence in relation to the emerging JLP and will help to achieve sustainable development thereby meeting the basic conditions.

- **After the words “...as defined by the NPPF...” in the first sentence of the policy “*unless it is clearly demonstrated to the satisfaction of the local planning authority that this would make the scheme unviable. In such cases, alternative on-site provision and/or an off-site financial contribution may still be required.*”**
- **Begin a new sentence “*In the AONB a threshold of...*” to end of this sentence**

Policy SN4 Affordable Housing on Rural Exception Sites

The NPPF supports the provision of rural exception sites to enable local needs to be provided for.⁴³ The HNS also supports the provision of affordable housing.

This policy supports affordable housing schemes on rural exception sites with an emphasis on a proven local need and local connection criteria for the affordable housing. Some market housing can be included on such sites in line with the stance of national policy.

The policy indicates that in exceptional circumstances, up to 35% of market homes will be permitted. It is not clear to me where this percentage has come from and has little evidence to support it. I am mindful that the NPPF does indicate that “some” market housing can be supported to facilitate rural exception sites if needs be.⁴⁴ However, putting a percentage on it would not permit site by site considerations or viability to be considered. Therefore this element of the policy is recommended for deletion.

The policy refers to entry-level homes. The NPPF specifically refers to entry-level exception sites indicating they should not be permitted in AONBs.⁴⁵ Therefore a modification is made to recognise that some of the Plan area falls within an AONB.

The policy also refers to the Design Guidelines and Codes, indicating new development should conform to the design principles. This is too rigid given the document contains

⁴¹ NPPF para 60

⁴² Ibid paras 62, 63 and 64

⁴³ Ibid para 78

⁴⁴ Ibid

⁴⁵ Ibid para 72 and footnote 36

guidance. A modification is made to ensure that the Design Guidelines and Codes are taken into account.

With these modifications, the policy will have regard to national policy in providing for housing for different groups and its support for rural exception sites. It will contribute towards the achievement of sustainable development, particularly the social objective. It will be in general conformity with the CS and especially CS Policies CS11 and CS20 which takes a flexible approach to the location of rural exception sites and allows proposals that are adjacent or well related to the settlement boundaries of Hinterland Villages. It will therefore meet the basic conditions.

- **Delete the sentence that begins “In exceptional circumstances, up to 35% of market homes...” from the policy**
- **Add a footnote to the policy to be inserted after “...will be supported...” in the first paragraph of the policy that reads: “*In line with national policy, entry-level exception sites will not be permitted in the AONB.*”**
- **Change the words “...must conform...” in the fourth bullet point of the policy to “...take account of...”**

Policy SN5 Lifetime Homes

The Government introduced national technical standards for housing in 2015.

Following this, Lifetime Homes standards were replaced by the optional building regulations standard M4(2) entitled 'accessible and adaptable dwellings'. I note the supporting text to the policy acknowledges this.

A Written Ministerial Statement (WMS)⁴⁶ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

I also note the WMS states that neighbourhood plans should not be used to apply the national technical standard. This is echoed in PPG.⁴⁷

This policy refers to M4(2) as an example and the RTPI's Dementia and Town Planning Practice Advice. Overall it seeks to build dwellings which are suitable for people throughout their different life stages.

I am mindful that the policy could encourage this without setting standards. A modification is therefore recommended to reflect this position given that the reference to M4(2) is given as an example. The last sentence is recommended for deletion

⁴⁶ Written Ministerial Statement 25 March 2015

⁴⁷ PPG para 001 ref id 56-001-20150327

because this seems to me to seek to set a higher standard than is found within the draft JLP which has not yet been examined.

These modifications will help to ensure that the policy meets the basic conditions, particularly helping to achieve sustainable development.

- **Change the word “supported” in the second sentence of the policy to “encouraged”**
- **Delete the last sentence of the policy which begins “Development proposals...”**

Policy SN6 Achieving Good Design in Stutton

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁴⁸

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁴⁹

It refers to design guides and codes to help provide a framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁵⁰

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.⁵¹

Policy SN6 seeks a design-led approach for all development. It refers to the Design Guidelines and Codes and Appendix 4 which contains a Design Guide Checklist based on the AECOM document.

I note this policy is welcomed by Anglian Water.

In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF and leading on from CS Policies CS11 and CS15 in particular. It will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

⁴⁸ NPPF para 126

⁴⁹ Ibid para 127

⁵⁰ Ibid para 128

⁵¹ Ibid para 130

Policy SN7 Renewable Energy and Energy Efficiency in Developments

The NPPF is clear that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.⁵² It continues that places should be shaped to reduce greenhouse gas emissions, minimise vulnerability and improve resilience and support renewable and low carbon energy and associated infrastructure.⁵³

The NPPF encourages plans to provide a positive strategy for energy that maximises the potential for suitable development whilst ensuring that adverse impacts are satisfactorily addressed.⁵⁴

I consider that Policy SN7 meets the basic conditions by having regard to the NPPF, being in general conformity with CS Policies CS13, which supports proposals that include low and zero carbon technologies and community initiatives, and CS15 and helping to achieve sustainable development in particular.

Policy SN8 Sustainable Drainage

The Plan explains that surface water drainage is a long standing and problematic issue for the village. This policy sets out a requirement that all new development should submit schemes detailing how on-site drainage will be managed. It also encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁵⁵

I note this policy is supported by Anglian Water.

The policy has regard to national policy and guidance, is in general conformity with strategic policies, in particular CS Policy CS15, and will help to achieve sustainable development. It meets the basic conditions and no modifications are therefore recommended.

7. Landscape and Natural Environment

The Parish has a number of designations ranging from international to locally important sites. The Stour Estuary is part of the Stour and Orwell Estuaries SPA, a Ramsar site and a Site of Special Scientific Interest. There are four County Wildlife Sites including Alton Water, the largest in Suffolk.

⁵² NPPF para 152

⁵³ Ibid

⁵⁴ Ibid para 155

⁵⁵ Ibid paras 167, 169

To the south of Holbrook Road/Manningtree Road the Parish falls within the Suffolk Coast and Heaths AONB.

Policy SN9 Stutton Landscape and Settlement Character

A Landscape Study has been carried out. This has informed Policy SN9 which seeks to ensure that the landscape characteristics of the Parish are considered as an integral part of any development scheme.

Nine key views have been identified and are shown on Policy Map SN9A on page 44 of the Plan. The views are supported by a Key Views Assessment and summarised in the Plan with a description and photograph. Sensitive settlement edges and key village gateway points have been identified on Policy Map SN9B on page 45 of the Plan. Two landscape gaps have been identified on Policy Map SN9B. Their identification is supported by the Landscape Study.

I saw the views, sensitive settlement edges, key village gateways and the landscape gaps at my site visit and consider all have been identified logically and appropriately. The landscape gaps are of vital importance to retain the character of this area.

The NPPF requires the planning system to contribute and enhance the natural and local environment including protecting and enhancing valued landscapes.⁵⁶

The policy has regard to the NPPF's stance on contributing to and enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.⁵⁷ It is in general conformity with the CS and in particular Policy CS15 which, amongst other things, sets out how development should respect the local context and character of different parts of the District and helps to achieve sustainable development.

The terminology used in the policy should reflect that used in the Landscape Study. A modification is duly made in the interests of consistency.

Again in the interests of consistency, Policy Map SN9B should reflect the same settlement boundary as shown on Map 2 (Stutton Settlement Boundary) and the policy and Policy Map should use the same terminology (or vice versa).

Anglian Water also raises concern about the policy in relation to Alton Water, one of their reservoirs. Like the Parish Council, I do not consider that the policy prevents any further development at Alton Water per se. The policy centres on the effects of any proposed development and ensuring that it would be acceptable.

With these modifications, the policy will meet the basic conditions, supporting locally distinctive development of a high quality having regard to the NPPF, leading on from,

⁵⁶ NPPF para 174

⁵⁷ Ibid

and being in general conformity with, CS Policies CS11 and CS15 in particular and achieving sustainable development.

- **Change the words “...rural gap...” in bullet point four of the policy to “...landscape gap...”**
- **Amend Policy Map SN9B to show the same settlement boundary as Map 2 in the Plan**
- **Add the word “visually” in front of “...sensitive settlement edges...” in bullet point three of the policy**

Policy SN10 Enhancing the Natural Environment

The NPPF⁵⁸ is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains. It continues⁵⁹ that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

The NPPF is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.⁶⁰ The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas.⁶¹

The NPPF continues that the scale and extent of development within AONBs should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

When considering applications for development within AONBs, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.⁶²

Policy SN10 seeks to enhance the natural environment including through biodiversity net gain and improving the connectivity between biodiversity assets and green infrastructure.

The policy supports development providing a net gain in biodiversity. This in itself is acceptable, but the wording may inadvertently open the floodgates for all types of

⁵⁸ NPPF para 174

⁵⁹ Ibid para 180

⁶⁰ Ibid para 176

⁶¹ Ibid

⁶² Ibid para 177

development. A modification is therefore made to ensure that development is in itself acceptable. In addition, the NPPF requires net gains for biodiversity to be achieved.⁶³ A modification is made to strengthen the policy in this respect.

The policy seeks to ensure development proposals avoid any loss or harm to trees, hedgerows and other natural features such as ponds. It refers to “important trees”; there is no reference in any supporting document to this phrase or any explanation about what might constitute an important tree and I can envisage the possibility of this phrase being open to interpretation. To address this concern, a modification is made based on the information in the Landscape Study.

I consider that the policy also needs to recognise the Parish’s part location within an AONB. A modification is made to address this.

With these modifications, the policy will have regard to national policy and guidance, add a local layer to, and be in general conformity with, the relevant strategic policies, in particular CS Policies CS14 which protects and enhances green infrastructure and CS15 which, amongst other things, seeks to protect and enhance biodiversity, and help to achieve sustainable development.

- **Change the penultimate paragraph of the policy to read: “*Otherwise acceptable development proposals will only be supported...*”**
- **Delete the words “seek to” at the start of bullet point six of the policy**
- **Delete the words “Except in exceptional circumstances, “ from the last paragraph of the policy**
- **Replace the word “important” in the last paragraph of the policy with “*hedgerow, field boundary, mature or veteran tree or those otherwise identified as features in the Landscape Study...*”**
- **Add a new paragraph to the policy that reads:**

“The scale and extent of development in the AONB will be limited. Any development should be sensitively designed and located taking into account the need to conserve and enhance the landscape and scenic beauty in the AONB as well as the consideration of wildlife and cultural heritage.”

⁶³ NPPF para 174

Policy SN11 Mitigating the Impact of Development on the Stour & Orwell Estuaries Special Protection Area (SPA) and Ramsar Site

The Parish is located within 13km of the Stour and Orwell Estuaries SPA and Ramsar Zone of Influence (ZOI). A Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been produced by a number of Suffolk local authorities and was adopted by BDC in November 2019.

The RAMS has been undertaken to address the impact of increased recreational disturbance arising from new housing on Habitats sites and requires mitigation. The mitigation is a combination of a financial contribution to fund a warden and visitor management scheme and green infrastructure on housing sites to encourage people to stay local thereby reducing the pressure on the European site.

Policy SN11 refers to the RAMS as well as Suitable Alternative Natural Greenspace provision for large residential developments. It meets the basic conditions in that it seeks to address any impact from new housing, is in generally conformity with the District level strategy and CS Policy CS15 in particular and will help to achieve sustainable development.

Policy SN12 Protecting and Enhancing Local Green Spaces

The Plan proposes five areas as Local Green Space (LGS). They are shown on Policy Map SN12 on page 66 of the Plan. Appendix 6 in the Plan sets out how each space meets the criteria in the NPPF.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁶⁴

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁶⁵ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁶⁶

The NPPF sets out three criteria for green spaces.⁶⁷ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

⁶⁴ NPPF para 101

⁶⁵ Ibid

⁶⁶ Ibid

⁶⁷ Ibid para 102

I saw the proposed areas on my site visit.

1. Allotments – Catts Close is valued for recreation and as an opportunity to grow fruit and vegetables.
2. Village playing field (behind the Community Hall) is valued for its recreational function, but is also used for village events.
3. Green Space in Stutton Close comprises two spaces which provide open grassed areas and opportunities for recreation for local residents as well as providing an important setting for the housing development.
4. Village green opposite the King’s Head is valued as a green. It has seating and houses the village sign.
5. Canham’s Wood and adjoining new woodland is valued for recreation and wildlife.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 102 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

Turning now to the wording of the policy, in setting out how new development might be regarded, it should have regard to, and be consistent with, the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.⁶⁸ Therefore the policy needs modification to ensure that it takes account of national policy and is clear. With this modification, it will meet the basic conditions.

- **Change the last paragraph of the policy to read:**

“Development proposals within the local green spaces will be consistent with national policy for Green Belts.”

Policy SN13 Conserving and Enhancing the Suffolk Coast and Heaths Area of Outstanding Natural Beauty

This policy sets out how development in, or which might affect, the AONB will be considered. However, I do not consider it robustly reflects the stance of the current NPPF. The NPPF is clear that great weight should be given to the conservation and enhancement of landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues alongside National Parks and the Broads.⁶⁹

⁶⁸ NPPF para 103

⁶⁹ Ibid para 176

In such areas, the NPPF indicates that the scale and extent of development should be limited. Development within the setting of the AONB should be sensitively located and designed to avoid or minimise adverse impacts.⁷⁰

It continues that, when assessing planning applications, permission should be refused for major development other than in exceptional circumstances and where the development would be in the public interest.⁷¹

As a result it is necessary to recommend some modifications to the policy to ensure it has regard to the NPPF.

I have also considered whether this policy is necessary given Policy SN9; Policy SN9 cross-references this policy. Given only part of the Plan area is within the AONB, it is important to have a specific policy on the AONB and I do not find that there is undue duplication between the two policies. Furthermore, the recommended modification further distinguishes the two policies.

With these modifications, the policy will take account of national policy, be in general conformity with the CS, especially CS Policies CS11 and CS15 and help to achieve sustainable development thereby meeting the basic conditions.

- **Substitute the first sentence of the policy with a new sentence that reads:**

“The scale and extent of development in the AONB will be limited. Any development should be sensitively designed and located taking into account the need to conserve and enhance the landscape and scenic beauty in the AONB as well as the consideration of wildlife and cultural heritage.”

- **Change the second paragraph of the policy to read:**

“Apart from change of use applications, very minor development and householder proposals, proposals will be expected to be accompanied by a proportionate landscape assessment that provides full justification for the proposal. Proposals should be of a scale and design that do not adversely impact on the AONB designation and show how the landscape and scenic beauty of the AONB and its setting will be conserved and enhanced.”

8 Leisure and Tourism

Policy SN14 Visitor and Tourism Development

This policy supports visitor and tourist facilities subject to a number of criteria including

⁷⁰ NPPF para 176

⁷¹ Ibid para 177

the impact on the SPA and Ramsar site, local highway network, parking and residential amenity.

The NPPF places significant weight on the need to support economic growth and productivity, taking into account local needs and wider opportunities.⁷² In rural areas, it indicates that policies should enable the sustainable growth and expansion of all types of business through conversion and new build, the development and diversification of agricultural and other land-based rural businesses and sustainable tourism and leisure.⁷³

Anglian Water raises some concern about inconsistency between this policy and Policy SN9. I consider a cross reference within this policy to that policy would be helpful in the interests of clarify but do not find any internal conflict. I do find some repetition. Modifications are made to address these points.

With these modifications, the policy will have regard to the NPPF, be in general conformity with CS Policies CS15 and CS17, which supports sustainable tourism and leisure businesses and will help to achieve sustainable development.

- **Delete the words “...from the development alone...” from the first bullet point in the policy**
- **Add the words “*and otherwise accord with Policies SN9 and SN13*” at the end of the second bullet point of the policy**
- **Delete the fourth bullet point of the policy**

9 Heritage and Culture

The Plan explains that the Parish has 30 listed buildings and monuments. It also has a collection of grand country houses set in parklands including the Grade II* listed Stutton Hall and Crowe Hall.

Policy SN15 Preserving and Enhancing Heritage Assets and the Character of the Village

Policy SN15 seeks to ensure that development proposals preserve or enhance heritage assets through an understanding of the asset’s significance and setting.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁷⁴ It continues⁷⁵ that great

⁷² NPPF para 81

⁷³ Ibid para 84

⁷⁴ Ibid para 189

⁷⁵ Ibid para 199

weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

The policy meets the basic conditions by having regard to national policy. It is in general conformity with strategic policies and particularly CS Policies CS11 and CS15, which indicates that development proposals must ensure adequate protection or enhancement as appropriate are given to distinctive local features which characterise the heritage assets of Babergh's built and natural environment. The policy will especially help to achieve sustainable development.

Policy SN16 Non-designated Heritage Assets

As previously stated, the NPPF⁷⁶ explains that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.⁷⁷

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.⁷⁸

However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.⁷⁹ There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.⁸⁰

Appendix 8 sets out how the 14 assets meet the criteria which Suffolk Coastal District Council use. The criteria are appropriate and have been applied consistently. I consider the assets identified are appropriate for designation.

Policy Map SN15 and SN16 on page 78 of the Plan shows the location of the non-designated heritage assets. I found it hard to distinguish between the colours used for the Grade II* listed buildings and the non-designated heritage assets. A modification is therefore made to make this important distinction clearer.

In addition, the Policy Map is titled "Designated Heritage Assets", but also includes non-designated heritage assets. The title should therefore be changed or alternatively two

⁷⁶ NPPF para 189

⁷⁷ Ibid para 203

⁷⁸ PPG para 040 ref id 18a-040-20190723

⁷⁹ Ibid

⁸⁰ Ibid

separate Policy Maps for Policies SN15 and SN16 showing the respective heritage assets may work better. This would also resolve the colour reproduction issue.

Lastly, I consider that the wording of the policy requires modification to have better regard to the NPPF.

With these modifications, the policy will meet the basic conditions by having regard to the NPPF, being in general conformity with strategic policies, especially CS Policy CS15, and help to achieve sustainable development.

- **Clearly distinguish the non-designated heritage assets on Policy Map SN15 & SN16 by using another colour**
- **Change the title of Policy Map SN15 & SN16 to “Heritage Assets”**
- **Add at the end of the policy the words “having regard to the scale of any harm or loss.”**

10 Getting Around

The Plan explains that traffic through the village is of especial concern to the local community. Whilst there is a bus service and Manningtree Station is about 4.5 miles from the village, traffic appears to be on the increase. There are a number of public footpaths and public rights of way (PROW). Pedestrian access through the village is currently poor with narrow pavements or a lack of pavements at certain points in the village.

The NPPF seeks to enable and support healthy lifestyles including through the provision of green infrastructure for example.⁸¹ Access to a network of high quality open space and opportunities for recreation is also supported.⁸² As part of this, the protection and enhancement of public rights of way (PROW) is supported including taking opportunities to provide better facilities for users.⁸³ Such networks can also help with providing opportunities and options for sustainable transport modes.⁸⁴

I discuss the three policies in this section together.

Policy SN17 Reducing the Impact of increased Road Traffic Generated by Development

This policy seeks to ensure that the effect of any development is acceptable with regard to pedestrian and cyclists taking precedence and to address traffic generated, parking

⁸¹ NPPF para 92

⁸² Ibid para 98

⁸³ Ibid para 100

⁸⁴ Ibid paras 105, 106

and congestion.

Policy SN18 Pedestrian and Cycle Access within the Village

Policy SN18 seeks to take every available opportunity to connect existing pedestrian and cycle networks through the delivery of new development.

Policy SN19 Non-motorised Rights of Ways

This policy seeks to protect public rights of way or ensure that suitable alternative provision is made and to enhance the network including for those with disabilities.

I consider all three policies have regard to the NPPF, are in general conformity with the CS and in particular CS Policy CS15 and help to achieve sustainable development. No modifications are therefore recommended as all three policies meet the basic conditions.

11 Community Facilities and Business

The Plan explains that there is a vibrant community in the Parish. There is a primary school and nursery, Church, two public houses, a community shop, community hall and sheltered housing with care as well as the businesses at Alton Water. Whilst agriculture still plays an important role, the Parish is home to some 40 businesses including home working and on three small business estates. Other services such as doctor and dentist surgeries are found outside the Parish.

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.⁸⁵ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.⁸⁶

As part of its drive to build a strong, competitive economy, the NPPF also supports the sustainable growth and expansion of all types of business in rural areas through conversions of existing buildings and well designed new ones.⁸⁷

⁸⁵ NPPF para 84

⁸⁶ Ibid para 93

⁸⁷ Ibid para 84

Policy SN20 Protecting Community Facilities

This policy seeks to protect existing services and facilities, listing them in the policy itself and showing their location on Policy Map SN20.

The named facilities include the Village playing field to the rear of the Community Hall and the adjoining Community Wood and the allotments in Catts Close. All of these spaces are also proposed as LGSs. I consider there is a conflict between designation as LGSs and this policy because this policy allows change of use. As a result, and on the assumption the LGS is the preferred designation, a modification is made to remove all of these spaces from this policy. Consequential amendments to the text may be needed.

Anglian Water have requested deletion of the reference to play facilities at Alton Water both from the policy and the Policy Map. I cannot see why the play facilities, clearly valued by the local community, cannot be retained in this policy whilst recognising that Alton Water is an important wider than local regional resource.

With this modification, the policy will have regard to national policy, be in general conformity with strategic policies particularly CS Policies CS11 which seeks to safeguard the needs of local communities and CS15 which seeks the retention, protection or enhancement of local services and facilities. It will help to achieve sustainable development.

- **Delete village Playing Field and adjoining Community Wood and the allotments in Catts Close from Policy SN20 and Policy Map SN20**

Policy SN21 New Community Facilities

Policy SN21 supports new facilities subject to impact. It has regard to the NPPF, is in general conformity with CS Policy CS15 and will help to achieve sustainable development. It therefore meets the basic conditions.

Policy SN22 New and Expanding Businesses

In line with the NPPF's stance on enabling the sustainable growth and expansion of all types of businesses in rural areas, this policy supports new businesses subject to a number of criteria. These include the impact on landscape sensitivity, effect on amenity and traffic generation and parking. All are appropriate.

CS Policy CS3 promotes and supports proposals for employment use that contribute to the local economy and increase the sustainability of Hinterland Villages if appropriate in scale, character and nature to their locality.

CS Policy CS17 supports and promotes rural businesses.

The Design Guide and Codes is also referred to and in line with earlier recommendations on this, a modification is suggested to add flexibility to the policy.

With this modification, the policy will have regard to the NPPF, is in general conformity with CS Policies CS3, CS15 and CS17 and will help to achieve sustainable development. The reference to Design Guide in the policy should be amended, in line with an earlier recommendation, to Design Guidelines and Codes.

- **Replace the word “follow” in the second bullet point of the policy to “take account of”**

Policy SN23 Existing Business Premises

This policy resists the loss of existing business premises through changes of use unless it can be demonstrated that the site has been marketed unsuccessfully for six months or more and that the new use will create other facilities of community value and employment.

Given the importance of economic activity and its variety in the Parish, all the criteria are appropriate.

Policy SN23 has regard to the NPPF, is in general conformity with CS Policies CS15 and CS17 which supports rural businesses and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Combined Policy Map

The maps are generally clearly presented throughout the document. I have made some recommendations regarding modifications to the maps elsewhere in this report.

Appendices

There are eight appendices.

Appendix 1 is Objectives, Policies and Community Actions. This is a very useful way of linking the three together.

Appendix 2 is a list of Community Actions.

Appendix 3 is a list of sites with planning approval for new housing.

Appendix 4 is the Design Guide Checklist and is referred to in Policy SN6. Some bullet points in the Design Guidelines and Codes document do not appear in the Design Checklist. It is not clear to me why some might have been missed off and in any case, I consider that the Appendix should replicate the entire document. A modification is therefore made in the interests of completeness and accuracy.

Appendix 5 is a list of protected habitats and species. It might be useful to add a sentence so this is future proofed.

Appendix 6 is the LGS assessment in association with Policy SN12.

Appendix 7 is a list of designated heritage sites and is referred to in Policy SN15.

Appendix 8 is a list of non-designated heritage assets and referred to in Policy SN16.

- **Ensure that Appendix 4, the Design Guide Checklist, replicates the checklist in the Design Guidelines and Codes document; specifically there appear to be four missing from the Built Form checklist on page 75 of the AECOM document**
- **Add the following sentence to Appendix 5: *“The information in this appendix is correct at the time of publication. The most up to date information should be sought from the Local Planning Authority or appropriate statutory body.”***

8.0 Conclusions and recommendations

I am satisfied that the Stutton Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Babergh District Council that, subject to the modifications proposed in this report, the Stutton Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Stutton Neighbourhood Development Plan should proceed to a referendum based on the Stutton Neighbourhood Plan area as approved by Babergh District Council on 12 October 2018.

Ann Skippers MRTPI

Ann Skippers Planning
20 December 2022

Appendix 1 List of key documents specific to this examination

Stutton Neighbourhood Plan 2022 – 2037 Submission Draft June 2021

Basic Conditions Statement undated

Consultation Statement undated

Strategic Environmental Assessment Screening Opinion Final Report January 2022 (LUC)

Strategic Environmental Assessment Screening Determination May 2022 (BDC)

Strategic Environmental Assessment Scoping Report April 2022 (AECOM)

Strategic Environmental Assessment Environmental Report July 2022 (AECOM)

Habitats Regulations Assessment Screening Report including Appropriate Assessment January 2022 (Place Services)

Habitats Regulations Assessment Screening Determination and Appropriate Assessment May 2022 (BDC)

Design Guidelines and Codes Final Report July 2021 (AECOM)

Parish Landscape Study: Character and Sensitivity Appraisal Final Version December 2021 and Appendices (Lucy Batchelor-Wylam CMLI)

Key Views Assessment June 2021 (Lucy Batchelor-Wylam CMLI)

Housing Survey Report September 2019 (Community Action Suffolk)

Sutton Parish Infrastructure Investment Plan November 2019

Site Options and Assessment January 2020, Focused Revision February 2022 (AECOM)

Babergh Local Plan 2011 – 2031 Core Strategy & Policies February 2014

Babergh Local Plan Alteration No. 2 adopted June 2006

Rural Development & Core Strategy Policy CS11 Supplementary Planning Document adopted August 2014

Affordable Housing Supplementary Planning Document adopted February 2014

Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Reg 19) document November 2020

BDC Draft Five-Year Housing Land Supply Position Statement 2022 Consultation Draft September 2022 (BDC/Lichfields)

List ends